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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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Magistrate Case No.

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Gabino OCEGUEDA-Mojarro
AKA: Joel GOMEZ-Duartes

Defendant.

BY: [Signature] COMPLAINT FOR VIOLATION OF:
DEPUTY

) Title 8, U.S.C., Section 1326;
) Deported Alien Found in the
) United States
)
)
)

The undersigned complainant, being duly sworn, states:

On or about, **August 31, 1999**, within the Southern District of California, defendant, **Gabino OCEGUEDA-Mojarro AKA: Joel GOMEZ-Duartes**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Lisette Guzman, Deportation Officer,
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **23rd** DAY OF **May** 2008.


UNITED STATES MAGISTRATE JUDGE

GJM

CONTINUATION OF COMPLAINT:**NAME: Gabino OCEGUEDA-Mojarro****AKA: Joel GOMEZ-Duartes****PROBABLE CAUSE STATEMENT**

On August 31, 1999, the defendant identified as, **Gabino OCEGUEDA-Mojarro AKA: Joel GOMEZ-Duartes** was arrested by the San Diego Police Department for violation of Penal Codes 187 (a) (MURDER) and 664/187 (a) (ATTEMPTED MURDER) and booked into San Diego Jail. An Immigration Agent determined the defendant to be a citizen of Mexico and placed a Form I-247 (Immigration Hold) pending his release from custody. The defendant was subsequently referred to the Department of Corrections.

On May 22, 2008, the defendant was referred to United States Immigration and Customs Enforcement (ICE) custody. An Immigration Agent conducted computer database record checks and reviewed various sources of information confirming the defendant to be a citizen of Mexico having been deported or removed from the United States on at least one occasion.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed the defendant was ordered deported or removed from the United States by an Immigration Judge on or about December 7, 1992, and removed on or about December 7, 1992 via the Otay Mesa, California, Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint Identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as, Gabino OCEGUEDA-Mojarro AKA: Joel GOMEZ-Duartes, a citizen and national of Mexico.